

11/05/01


11-26-01

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PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. ESPN-INEX CON (2)

First Inventor Michael J. Hope

Title LIPOSOME COMPOSITIONS AND METHODS FOR
THE TREATMENT OF ATHEROSCLEROSIS

Express Mail Label No. EL 717 749 242 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 42]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Pages 2]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Other: Check for \$388.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 322,336

Prior application information: Examiner Kishore, G. Group / Art Unit: 1615

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Labelor ☒ Correspondence address below

Name	Patrea L. Pabst Holland & Knight LLP				
Address	2000 One Atlantic Center				
City	Atlanta	State	GA	Zip Code	30309-3400
Country	United States	Telephone	404-817-8473	Fax	404-817-8588

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature			Date 11/5/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

J1003 U.S. PTO
09/992107
11/05/01

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 388.00)

Compleat if Known

Application Number	Continuation of 09/322,336
Filing Date	November 5, 2001
First Named Inventor	Michael J. Hope
Examiner Name	
Group Art Unit	
Attorney Docket No.	ESPN-INEX CON (2)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1868
Deposit Account Name Holland & Knight LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Code	Small Entity Code	Fee Description	Fee Paid
101	201	Utility filing fee	370.00
106	206	Design filing fee	
107	207	Plant filing fee	
108	208	Reissue filing fee	
114	214	Provisional filing fee	

SUBTOTAL (1) (\$ 370.00)

2. EXTRA CLAIM FEES

Total Claims 22 -20 = 2 x 9.00 = 18.00
Independent Claims 3 -3 = 0 x =
Multiple Dependent =

Large Entity Code	Small Entity Code	Fee Description
103	203	Claims in excess of 20
102	202	Independent claims in excess of 3
104	204	Multiple dependent claim, if not paid
109	209	** Reissue independent claims over original patent
110	210	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 18.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Code	Small Entity Code	Fee Description	Fee Paid
105	205	Surcharge - late filing fee or oath	
127	227	Surcharge - late provisional filing fee or cover sheet	
139	239	Non-English specification	
147	247	For filing a request for ex parte reexamination	
112	212	Requesting publication of SIR prior to Examiner action	
113	213	Requesting publication of SIR after Examiner action	
115	215	Extension for reply within first month	
116	216	Extension for reply within second month	
117	217	Extension for reply within third month	
118	218	Extension for reply within fourth month	
128	228	Extension for reply within fifth month	
119	219	Notice of Appeal	
120	220	Filing a brief in support of an appeal	
121	221	Request for oral hearing	
138	238	Petition to institute a public use proceeding	
140	240	Petition to revive - unavoidable	
141	241	Petition to revive - unintentional	
142	242	Utility issue fee (or reissue)	
143	243	Design issue fee	
144	244	Plant issue fee	
122	222	Petitions to the Commissioner	
123	223	Petitions related to provisional applications	
126	226	Submission of Information Disclosure Stmt	
581	581	Recording each patent assignment per property (times number of properties)	
146	246	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	Request for Continued Examination (RCE)	
169	269	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Patrea L. Rabst

Registration No. 31,284
(Attorney/Agent)

Complete (if applicable)

Telephone (404) 817-8473

Signature

Date

11/5/2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Hope and Wendi Rodriguez

Serial No.: Continuation of 09/322,336

Express Mail Label
No. EL 717 749 242 US

Filed: May 28, 1999

Date of Deposit: November 5, 2001

For: LIPOSOME COMPOSITIONS AND METHODS FOR THE TREATMENT OF
ATHEROSCLEROSIS

Box Patent Application
Commissioner of Patents and Trademarks
Washington, D.C. 20231

REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Liposome Compositions and Methods for the Treatment of Atherosclerosis*". This application is a continuation of pending prior application Serial No. 09/322,336, filed May 28, 1999, entitled "*Liposome Compositions and Methods for the Treatment of Atherosclerosis*", by Michael J. Hope and Wendi Rodriguez, now U.S. Patent No. 6,312,719, which issues November 6, 2001, which is a continuation of U.S. Serial No. 09/175,553 filed October 20, 1998, now U.S. Patent No. 6,139,871, which is a continuation of U.S. Serial No. 08/507,170 filed July 26, 1995, now abandoned, which is a continuation of U.S. Serial No. 08/206,415 filed March 4, 1994, now abandoned. The application includes 1 page of abstract, 38 pages of specification, 3 pages of

Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 717 749 242 US
Date of Deposit: November 5, 2001

claims, 12 sheets of formal drawings, and a copy of the executed Declaration and Power of Attorney from prior application Serial No. 08/206,415.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration and Power of Attorney included in the new application is a copy of the executed Declaration filed in prior application Serial No. 08/206,415, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/322,336.

Enclosed from prior application Serial No. 08/206,415 is a copy of the recorded Assignment from Michael J. Hope and Wendi Rodriguez to The University of British Columbia, recorded May 9, 1994, at Reel 6983, Frame 0399. Also enclosed from prior application Serial No. 09/322,336 are copies of the (a) executed Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers by The University of British Columbia; and (b) executed Statement Under 37 C.F.R. § 3.73(b) by The University of British Columbia.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$388.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 3 independent claims and a total of 22 claims.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 717 749 242 US
Date of Deposit: November 5, 2001

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:

Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on November 5, 2001, by mailing the application to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R.

Continuation of U.S.S.N. 09/322,336
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Date of Deposit: November 5, 2001

§ 1.10. The Express Mail Label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: November 5, 2001

HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
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Continuation of U.S.S.N. 09/322,336
Filed: May 28, 1999
**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 749 242 US
Date of Deposit: November 5, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, November 5, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 749 242 US, addressed to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Pamela Turnbough

Date: November 5, 2001

ATL1 #491360 v1